



# Town Council Agenda Report

**SUBJECT:** Ordinance

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), TO B-3, PLANNED BUSINESS CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 1-1-00 John P. Morris, owner/ Synalovski, Gutierrez Architects, Inc., petitioner - 10200 State Road 84/Generally located on the south side of State Road 84 approximately 400 feet west of Nob Hill Road.

**REPORT IN BRIEF:**

As a result of the proposed vacation of right-of-way per plat through Broward County, the petitioners will be obtaining additional land area which will be incorporated under ownership of land currently zoned B-3, Planned Business Center District. Therefore, the proposed B-3 zoning designation is consistent with existing and planned adjacent uses, and can be considered to be the most appropriate zoning designation for the subject site.

The proposed use of the subject site will not generate additional traffic above that which is currently approved or permitted. Therefore, there will be no negative impacts on existing roadway conditions. The petitioner has also voluntarily offered a declaration of restrictions to match those currently established for the abutting properties currently zoned B-3, Planned Business Center District.

In conclusion, staff believes the proposed B-3 zoning district is the most appropriate district given existing adjacent and planned uses, is consistent with the Town's Future Land Use policies, and will not be harmful to the public welfare.

**PREVIOUS ACTIONS:** The Town Council approved application ZB 1-1-00 (motion carried 5-0, April 18, 2000).

**CONCURRENCES:** The Planning and Zoning Board recommended approval of application ZB 1-1-00, subject to the planning report (motion carried 4-0, Chairman Greb absent, April 12, 2000)

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve the ordinance.

**Attachment(s):** Ordinance with back-up, Voluntary Deed Restrictions, Future Land Use Map, Subject Site Zoning Map, Aerial.

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), TO B-3, PLANNED BUSINESS CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural Estate District (County), to B-3, Planned Business Center District,

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural Estate District (County), to B-3, Planned Business Center District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the owner has voluntarily executed a deed restriction on the property described in Section 1:

a. The deed restriction is attached as Exhibit "B", which is attached hereto and made a part hereof.

SECTION 3. That the owner has provided a conceptual master plan described in Exhibit "C", which is attached hereto and made a part hereof.

SECTION 4. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-3, Planned Business Center District.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

ATTEST:

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

## SKETCH AND DESCRIPTION EXHIBIT "A"

### LAND DESCRIPTION:

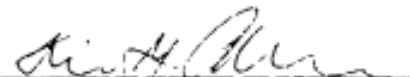
A portion of the 30 foot Right-Of-Way, JOHN W. NEWMAN'S SURVEY according to the Plat thereof as recorded in Plat Book 2, Page 26 of the Public Records Of Dade County, Florida, said portion lying in Section 7, Township 50 South, Range 41 East, being more particularly described as follows:

BEGINNING at the northwest corner of Parcel "A", NOB HILL VILLAGE according to the Plat thereof as recorded in Plat Book 134, Page 26 of the Public Records Of Broward County, Florida; thence South 14°43'55" West along the west boundary of said Parcel "A", 622.12 feet to the south line of said Section 7 and the north boundary of said Parcel "A"; thence South 88°32'34" West along said common line, 26.91 feet; thence North 14°43'55" East along a line 25.84 feet west of and parallel with the west boundary of said Parcel "A", being the easterly boundary of said Tract 2, a distance of 248.29 feet; thence North 88°32'34" East along a line 238.44 feet north of and parallel with said south line of Section 7, a distance of 11.29 feet; thence North 14°43'55" East along a line 15.00 feet west of and parallel with the westerly boundary of said Parcel "A", 378.19 feet; thence South 75°16'05" East along the south right-of-way of Frontage Road as described in the Florida Department of Transportation Parcel Number 422, recorded in Official Records Book 8790, Page 524 of the Public Records Of Broward County, Florida, 15.00 feet to the POINT OF BEGINNING.

Said lands lying and being in the Town Of Davie, Broward County, Florida containing 12,055.93 square feet (0.277 acres) more or less.

### CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction on December 3, 1999. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

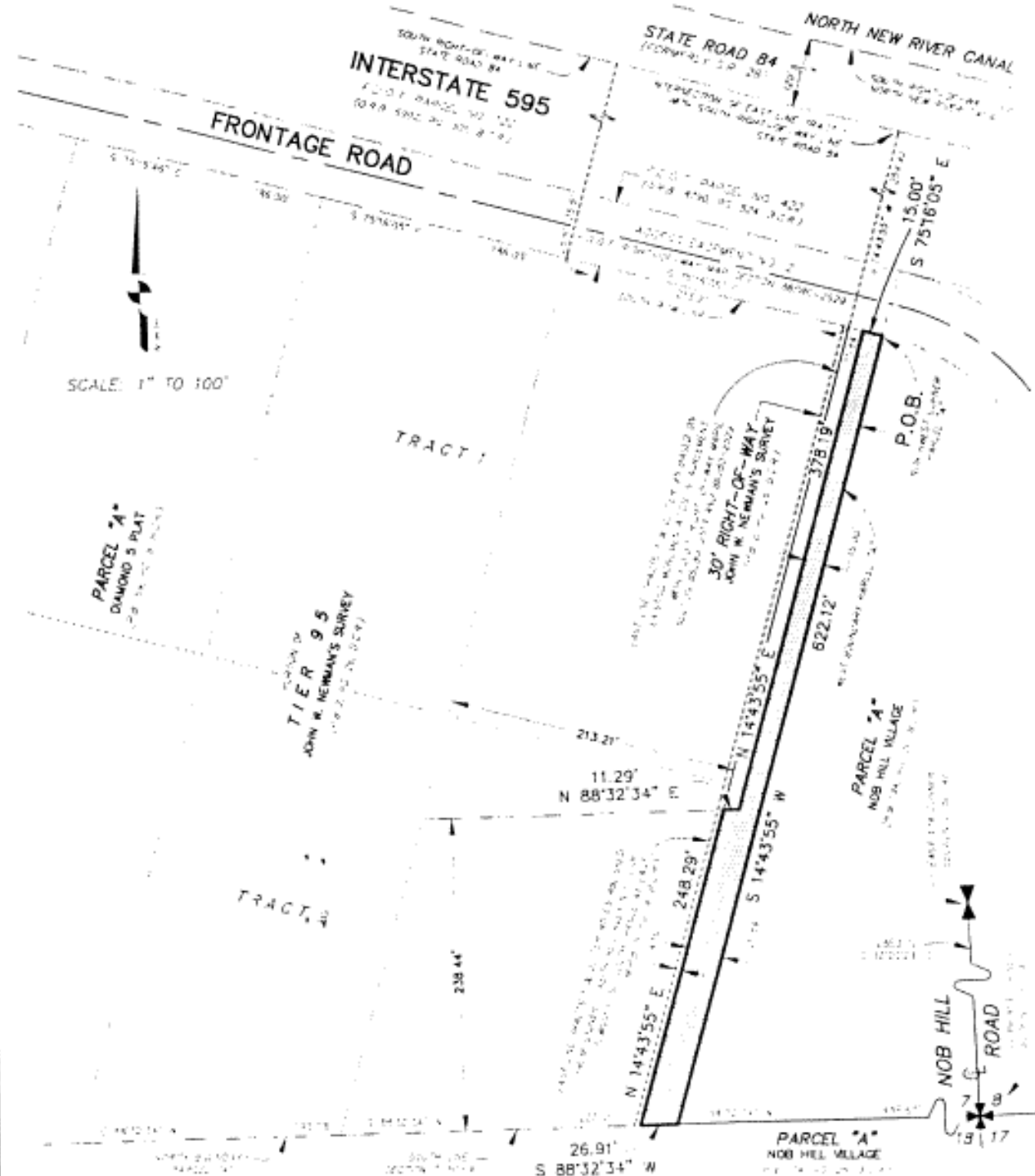
  
KEITH MCCHESNEY-A-TOM, P.L.S.  
Florida Registration No. 5328  
AVIROM & ASSOCIATES, INC.  
L.S. No. 3300



AVIROM & ASSOCIATES, INC.  
SURVEYING & MAPPING  
50 S.W. 2ND AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
TEL. (561) 392-2694, FAX (561) 394-7126  
© 2000 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB # 00-01  
DATE: 12-03-99  
SHEET 2 OF 2

# SKETCH AND DESCRIPTION



**AVIROM & ASSOCIATES, INC.**  
 SURVEYING & MAPPING  
 60 S.W. 2ND AVENUE, SUITE 102  
 BOCA RATON, FLORIDA 33432  
 TEL. (561) 392-2594, FAX (561) 394-7126  
 © 2000 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.

JOB # 100-100-100  
 DATE: 10-10-00  
 SHEET 1 OF 1

## EXHIBIT "B"

### DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, E.D.J. ENTERPRISES, INC., a Florida corporation; ADJESLAN ENTERPRISES, INC., a Florida corporation; and JOHN MORRIS, whose address for these purposes shall be 10081 Pines Boulevard, Suite A, Pembroke Pines, Florida 33024, collectively being the owners of that certain real property located in the Town of Davie, Broward County, Florida and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above-described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above-described property shall not be used for the following uses:  
  
Those uses as permitted under Article III, Use Regulations, Division I, Permitted Uses, Section 12-30 through 12-32, of the Town of Davie Land Development Code, pertaining to the B-3, Planned Business Center District, including pawnshops; bars and lounges; dance halls and clubs; game rooms and arcades; mortuaries; night clubs; private clubs; watchman's apartments; agricultural uses; adult establishments; hotels; motels; and the sale or rental of new or used automobiles, trucks, utility trailers, motorcycles, and boats.
2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
3. Development of the described property shall be in conformance with the proposed Conceptual Site Plan attached hereto and made a part hereof as Exhibit "B," or any amendment thereto approved by the Town of Davie.
4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

5. Invalidation of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

6. This Declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

[Signatures begin on the next page]

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_  
day of January, 2000.

Signed, sealed and delivered  
in the presence of:

E.D.J. ENTERPRISES, INC.,  
a Florida corporation

By: Emery Jaffe, President.

Witness signature \_\_\_\_\_

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PRINT;
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Witness signature

PRINT:

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF )

The foregoing instrument was acknowledged before me this 31 day of January, 2000 by Emery Jaffe, President of E.D.J. ENTERPRISES, INC., a Florida corporation, who is personally known to me or produced personally known as identification.

Notary Public

Signature \_\_\_\_\_

Print Name \_\_\_\_\_



Susan Cowheard  
NY COMMISSION # 00582911 EXPIRES  
May 3, 2000  
SIGNED THRU TROY FAIN INSURANCE, INC

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_  
day of January, 2000.

Signed, sealed and delivered  
in the presence of:

ADJESLAN ENTERPRISES, INC.,  
a Florida corporation

Evan Hise

By: Evan Gaffe, President.

Witness signature

PRINT: 6 May 5 Km. - 85

Witness signature

PRINT: Linda Duval Carli

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF )

The foregoing instrument was acknowledged before me this 31 day of January, 2000 by Evan Jaffe, President of ADJESLAN ENTERPRISES, INC., a Florida corporation, who is personally known to me or produced personally known as identification.

Notary Public

Susan Campbell

Signature

Susan Cusheers  
Print Name

Print Name

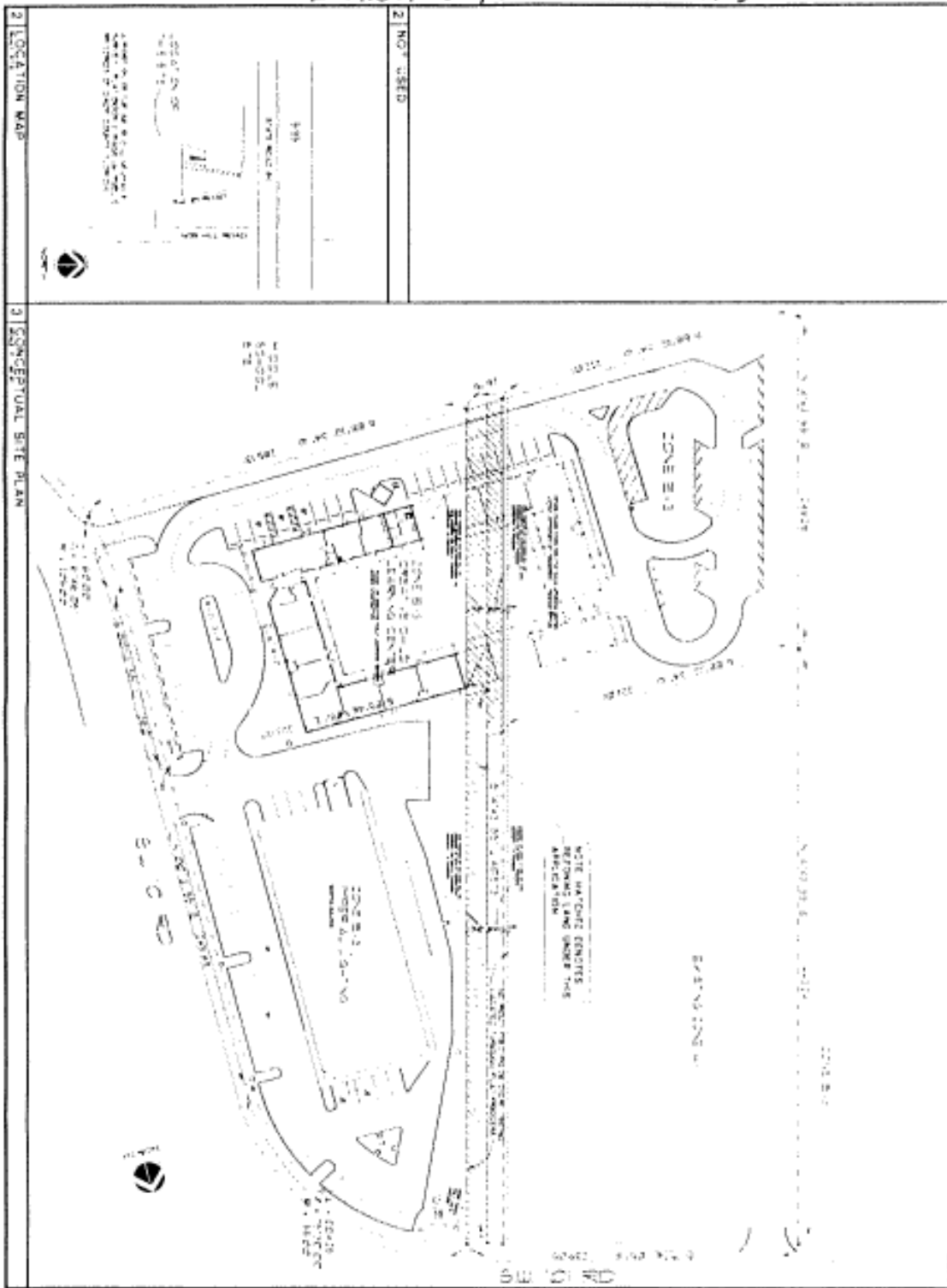


Susan Cowheard  
MY COMMISSION # CCS38291 EXPIRES  
May 3, 2000  
BONDED THIRD PARTY FAIR INSURANCE, INC.



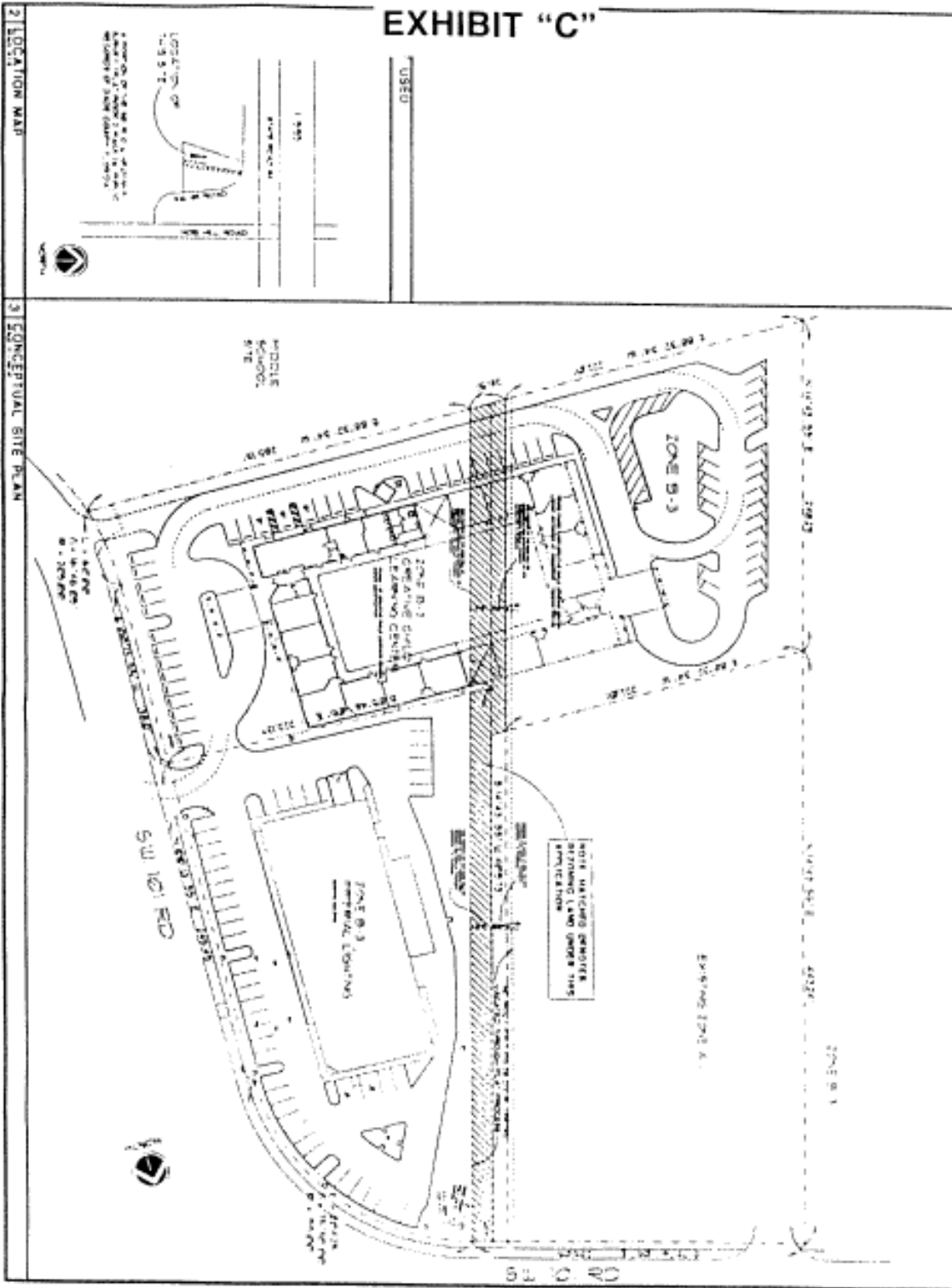


# Exhibit "b", Deed Restrictions



<p>1</p>	<p>CONCEPTUAL SITE PLAN</p>	<p>OFFICE BUILDING FOR: JAHF AT 595, INC.</p> <p>TOWN OF USUAL, FLORIDA</p>		<p>DATE: 10/10/2010</p>	
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# EXHIBIT "C"



<p>1</p>	<p>DATE: 10/1/01</p>	<p>PROJECT: OFFICE BUILDING FOR JAFFE AT 995, INC.</p>	<p>TOWN OF DAVIE, FLORIDA</p>	<p>DESIGNED BY: [Signature]</p>	<p>DATE: 10/1/01</p>	<p>PROJECT: OFFICE BUILDING FOR JAFFE AT 995, INC.</p>	<p>TOWN OF DAVIE, FLORIDA</p>	<p>DESIGNED BY: [Signature]</p>	<p>DATE: 10/1/01</p>	<p>PROJECT: OFFICE BUILDING FOR JAFFE AT 995, INC.</p>	<p>TOWN OF DAVIE, FLORIDA</p>	<p>DESIGNED BY: [Signature]</p>
					<p>DATE: 10/1/01</p>	<p>PROJECT: OFFICE BUILDING FOR JAFFE AT 995, INC.</p>	<p>TOWN OF DAVIE, FLORIDA</p>	<p>DESIGNED BY: [Signature]</p>				

ndary

N. New River Canal

State Rpt. 94

**SUBJECT SITE**

PK 32 HWY 100  
(LSH26)

N. Hill Rd.

7 8

18 17

COMMERCIAL

PETITION NUMBER

ZB 1-1-00

N  
4

PREPARED 3/27/00  
BY THE PLANNING &  
ZONING DIVISION

Scale: 1" = 50'

RESIDENTIAL 5 DU/AC

Boundary

N. New River Canal

State Rd. 84

(County)

Parcel B

Parcel C

CC

Parcel A

B-1

G.B.C. Plat (144-5)

SUBJECT SITE

CC

A-1

(County)

Nob Hill Village (134-26)

B-3

Parcel B

Parcel A

CC

070010

Parcel A

G.B.C. Plat (144-5)

Nob Hill Village (134-26)

CF

Parcel 1A

PETITION NUMBER

ZB 1-1-00

N

4

PREPARED 3/27/00  
BY THE PLANNING &  
ZONING DIVISION

Scale 1"=300'

110230	110240	110250	110260	110270	110280	110290	110300	110310
104310	104320	104330	104340	104350	104360	104370	104380	104390

